

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

**SECOND RESPONSE TO SCHEDULING ORDER RE:
JOINT LISTING OF DOCKET ENTRIES THAT SHOULD
BE UNSEALED AND SUPPORTING BASIS FOR CONTINUED SEALING**

Pursuant to the Court's Order of December 16, 2015 [D.E. 1605], the defendant, Dzhokhar Tsarnaev, and the United States, by and through counsel, jointly submit that the following Docket Entries may be unsealed:

DE #	Name	Description
303.02	Exhibit B	Affidavit of Special Agent in Support of an Application for Search Warrant
303.04	Exhibit D	Affidavit of Special Agent Daniel R. Genck
328	Sealed Motion (Public Entry)	Motion for Leave to Seal Government's Motion to File Partially Unredacted Version of Its Opposition to Defendant's Motion to Suppress Statements
328.01	Exhibit 1	Government's Motion for Leave to File Partially Unredacted Version of Its Opposition to Defendant's Motion to Suppress Statements
349	Exhibit A	Search Warrant Document
349	Exhibit B	Search Warrant Document
349	Exhibit C	Search Warrant Document
349	Exhibit D	Search Warrant Document
349	Exhibit E	Search Warrant Document
349	Exhibit F	Search Warrant Document
349	Exhibit G	Search Warrant Document
349	Exhibit I	Search Warrant Document
349	Exhibit K	Search Warrant Document
349	Exhibit L	Search Warrant Document

349	Exhibit M	Search Warrant Document
349	Exhibit N	Search Warrant Document
387	Reply to Response	Reply to Government's Opposition to Motion to Suppress Physical and Digital Evidence
400	Sealed Motion (Public Entry)	Motion to File Motion under Seal
400.04	Exhibit C	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (June 18, 2014)
400.05	Exhibit D	Recusal Order: U.S. v. Loughner
402	Order	Re: DE 388
403	Order	Re: DE 400
404.03	Exhibit C	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (June 18, 2014)
404.04	Exhibit D	Recusal Order: U.S. v. Loughner
439	Leave to File Document	Motion for Leave to Late File Government's Opposition to Defendant's Motion for Disclosure
440.02	Exhibit B	FBI Laboratory Reports (Filed under Seal)
440.03	Exhibit C	MA State Police Forensic Services Group Laboratory Reports (Filed under Seal)
464.02	Sealed Exhibit	MA State Police DNA-STR Comprehensive Report
464.04	Sealed Exhibit	FBI Latent Print Operations Unit: Laboratory Case Notes
466.02	Exhibit	MA State Police DNA-STR Comprehensive Report
466.04	Exhibit	FBI Latent Print Operations Unit: Laboratory Case Notes
568	Sealed Document	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (September 2, 2014)
692	Sealed Motion (Public Entry)	Sealed Motion for Motion for Leave to File Opposition to Defendant's Sealed Motion for Foreign Deposition under Seal
727.01	Exhibit A	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (December 4, 2014)
741.02	Exhibit 2	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (December 12, 2014)
747	Sealed Document	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (December 12, 2014)
784.13	Exhibit K	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (November 24, 2014)
784.14	Exhibit L	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (December 15, 2014)

789.28	Exhibit	Expert Report of Tyler J. Howell
789.29	Exhibit	CEAU Notes
814.02	Exhibit	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (September 2, 2014)
960	Sealed Motion (Public Entry)	Government's Sealed Motion to File Follow-Up Questions for Individual Voir Dire under Seal
994	Sealed Motion (Public Entry)	Motion for Leave to File under Seal Motion to Excuse for Cause Jurors 102 and 145
1042.02	Exhibit A	Jury Trial - Day Six, Part 1
1059	Sealed Motion (Public Entry)	Motion to Seal Defendant's Motion to Strike and Correct Certificates of Service and to Enlarge Time to File Opposition to Government Motions in Limine
1100.03	Exhibit	Motion to Excuse Juror 286 for Cause Based on Newly Discovered Information
1105.01	Exhibit	Defendant's Reply to Government's Opposition to Motion to Excuse Jurors for Cause Based on Newly Discovered Information
1125	Sealed Motion (Public Entry)	Defendant's Motion to Excuse Juror 286 for Cause Based on Newly Discovered Information
1128	Reply to Response	Defendant's Reply to Government's Opposition to Motion to Excuse Jurors for Cause Based on Newly Discovered Information
1284	Sealed Motion (Public Entry)	Government's Motion in Limine to Exclude Penalty-Phase Expert Testimony and Related Exhibits
1292	Sealed Motion (Public Entry)	Motion to Seal Defendant's Opposition to Government's Motion in Limine to Preclude Any Reference to Waltham Triple Homicide or Alleged Bad Acts of Tamerlan Tsarnaev
1507	Sealed Motion	Motion to Seal Memorandum in Support of Motion for Judgment Notwithstanding Verdict and for New Trial

The parties submit that the following Docket Entries may be unsealed with redactions of material either (1) subject to Fed. R. Crim. P. 49.1(a), or (2) irrelevant to a judicial determination of either party's substantive rights, privacy interests or otherwise outweigh the need for public disclosure, *see United States v. Kravetz*, 706 F.3d 47 (1st Cir. 2013).

DE #	Name	Description
349	Exhibit H	Search Warrant Document
349	Exhibit J	Search Warrant Document
464.01	Sealed Exhibit	FBI Laboratory: Report of Examination (June 5, 2013)
464.03	Sealed Exhibit	FBI Laboratory: Report of Examination (July 8, 2013)

466.01	Exhibit	FBI Laboratory: Report of Examination (June 5, 2013)
466.03	Exhibit	FBI Laboratory: Report of Examination (July 8, 2013)
602.03	Sealed Exhibit C	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (September 26, 2014)
602.04	Sealed Exhibit D	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (September 12, 2014)
602.06	Sealed Exhibit F	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (June 15, 2014)
602.07	Sealed Exhibit G	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (August 15, 2014)
602.08	Sealed Exhibit H	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (August 15, 2014)
602.09	Sealed Exhibit I	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (July 29, 2014)
604.03	Exhibit C	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (September 26, 2014)
604.04	Exhibit D	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (September 12, 2014)
604.06	Exhibit F	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (June 15, 2014)
604.07	Exhibit G	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (August 15, 2014)
604.08	Exhibit H	Government Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (August 15, 2014)
604.09	Exhibit I	Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (July 29, 2014)
875.01	Exhibit 1	Full Addresses of Civilian Witnesses
875.02	Exhibit 2	Full Addresses of Government Witnesses
898	Sealed Document	Government Law Enforcement Witness List
1182	Order	Re: DE 1072, DE 1168

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 29, 2016.

/s/ Timothy G. Watkins
Timothy G. Watkins